

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILMINGTON TRUST COMPANY, et al.,

Case No. 2:13-cv-01213

Plaintiffs,

Judge Sargus

v.

Magistrate Judge Vascura

AEP GENERATING COMPANY, et al.,

Defendants.

STIPULATION AND ORDER OF DISMISSAL

Plaintiffs, Wilmington Trust Company, in its capacity as Owner Trustee of each of AEGCO Trust 1, AEGCO Trust 2, AEGCO Trust 5, I&M Trust 1, I&M Trust 2, and I&M Trust 5 (collectively, “Plaintiffs”), and Defendants, AEP Generating Company and Indiana Michigan Power Company (collectively, “Defendants”), have reached an amicable settlement of the claims in this case in which Defendants have agreed to waive any defenses relating to Plaintiffs’ dismissal of this action and subsequent re-filing of this action or filing of a new action on the same or similar theory as this action and subject to the terms set forth in the parties’ settlement agreement.

For these reasons, IT IS HEREBY STIPULATED AND ORDERED that the claims in this action are dismissed without prejudice to Plaintiffs asserting the existing claims in a re-filed action or in a new action on the same or similar theory as this action and subject to the terms set forth in the parties’ settlement agreement.

IT IS FURTHER STIPULATED AND ORDERED that Defendants are barred from asserting any of the following defenses relating to Plaintiffs' dismissal of this action and subsequent re-filing of this action or filing of a new action on the same or similar theory as this action: any statute of limitation, laches or other time-related defenses arising out of Plaintiffs'

dismissal of this action and subsequent re-filing of this action or filing of a new action.

IT IS SO ORDERED.

Dated: May 11, 2021

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE

STIPULATED TO:

/s/ Russell J. Kutell

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/s/ James B. Hadden (by russell j. kutell; written authorization on 4/20/2021)

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